

No. 11(112)-3Lab-79/7223.—In pursuance of the provision of section 17 of the Industrial Dispute Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s Puran Industries (Puran Engineering Works) Jesico Colony, Jagoda gate, Jagadhri.

BEFORE SHRI BABU RAM GOYAL, PRESIDING OFFICER, LABOUR COURT, HARYANA,
ROHTAK.

Reference No. 171 of 1978

between

SHRI RISHI PAL WORKMAN AND THE MANAGEMENT OF M/S PURAN INDUSTRIES,
(PURAN ENGINEERING WORKS), JESICO COLONY, JAGODA GATE, JAGADHRI

Present.—

Shri Surinder Kumar, for the workman.

Shri Subash Chander, for the management.

AWARD

By order No. ID/YMN/56-78/34007, dated the 20th July, 1978 the Governor of Haryana referred the following dispute between the management of M/s Puran Industries (Puran Engineering Works) Jesico Colony, Jagoda, gate Jagadhri and its workman Shri Rishi Pal to this Court, for adjudication in exercise of the powers conferred by clause (c) of the sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

On receipt of order of reference, notices were issued to the parties. The workman filed his Claim-statement, dated 21st August, 1978, for reinstatement and the Management on 21st December, 1978, filed copy of settlement, dated 21st December, 1978 arrived at between the parties. As per settlement the workman executed receipt, dated 18th November, 1978 in full and final settlement of his claim and settled his whole dispute in respect of termination of his services.

The representative of the workman was directed to produce the workman for verification of the settlement. The case was adjourned for 21st January, 1979, 20th February, 1979, 20th March, 1979, and 26th April, 1979, the workman did not appear. One last opportunity was granted to the workman to come on 24th May, 1979 when even the representative of the workman did not appear. Shri Subhash Chander representative of the management is a witness about execution of the settlement deed and stated that the settlement, dated 21st December, 1978 was arrived at between the parties under section 18 (1) of the I. D. Act in his presence.

In view of the circumstances I hold and answer the reference that the termination of the services of the workman was justified and in order and he is not entitled to any further relief.

Dated 21st June, 1979

BABU RAM GOYAL,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

Endst No. 1505, dated 22nd June, 1979

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Haryana, Chandigarh as required under section 15 of the I. D. Act.

BABU RAM GOYAL,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

The 2nd July, 1979

No. 11(112)-3Lab-79/7351.—In pursuance of the provision of section 17 of the Industrial Dispute Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the presiding officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s. Dalmia Dadri Cement Ltd., Charkhi Dadri.

BEFORE SHRI NATHU RAM SHARMA PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD
Reference No. 23 of 1972

Between

THE WORKMEN AND THE MANAGEMENT OF M/S. DALMIA DADRI CEMENT LTD.,
CHARKHI DADRI

Present :—

Shri Bhim Sain, for the workmen.
Shri S.N. Bhandari, for the management.

AWARD

By order No. 1D/HSR/I-D/71/10413-17, dated 24th March, 1972 the Governor of Haryana referred the following disputes between the management of M/s. Dalmia Dadri Cement Ltd., Charkhi Dadri and its workmen, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

1. Whether all those worker working on the job of Cement Loading and unloading of Gopal Gypsum and Laterite should be provided the same facilities as enjoyed by the Departmental Labour working in the factory ? If so, with what details ?
2. Whether the Contract system for the work of cleaning and removing of raw material Cement and clinker in Mill House, packing crusher, Tryer, Kiln and other departments and section of the factory should be abolished ? If so, with what details and from which date ?
3. Whether the clerks working in shifts in the packing Department should be placed in grade IVth as recommended by the Central Wage Board for Cement Industry for clerks ? If so, with what details ?
4. Whether the workmen (list below) should be designated as indicated against their name and given the grades of the said designation ? If so, with what details ?
5. Whether the grade of Shri Sushil Kumar 'Bhushan' Electrician should be revised ? If so, with what details ?
6. Whether the grade of Loco Helpers should be revised and all the Loco Helpers be placed in grade 'D' ? If so, with what details ?
7. Whether the termination of services of Shri Risal Watchman was justified and in order ? If not, to what relief is he entitled ?
8. Whether the break caused in the service of Shri Chet Ram, Watchman should be condoned and whether he should be treated as regular and permanent employee of the factory, If so, with what details ?
9. Whether the workmen working in the factory whether permanent, casual, Temporary and employed direct or through contractor should be given wage slips after closing their respective wage periods at least before 2 days from the payment of their salary and wages due under the payment of wages Act, 1936 ? If so, with what details ?

The question of contract labour was referred to the National Arbitrators. The Industry and the workmen were properly represented before the learned arbitrators. They gave award. This arbitration award was on national scale. The question of contract labour was before the learned arbitrators. The counsel for the management Shri Nanawati had argued before the National Arbitrators. The contention of the management there was that in view of a ruling of the Honble the Supreme Court of India, it is the Government i.e., board appointed under abolition of Contract Labour Act which had to decide on the subject and the arbitrators could not decide but the arbitrators in para number 166 of their award published on page 62 directed that no contract labour shall be employed in the Industry (by any employer except in loading including packing) and unloading operations and where the employers employ contract labour in any other occupation, such labour shall be made departmental employees under the employers and shall be eligible to the same wages, D.A., bonus and other allowances as the other regular employees under the employers, provided they give the corresponding work load obtaining for similar occupation in units near about. The learned arbitrators further directed that all workers employed in the permitted occupations of loading (including packing) and unloading shall be given the same wages, D.A., bonus and other benefits as are given to the regular employees of the company. The National Arbitrators did not meet with the demand of total abolition of contract labour.

The representative for the workman argued that when the National Arbitrators have given this award, I should also give the same award against demands number 1 and 2 referred to me and the representative for the management argued that I should have my hands off on this question, as a special Act viz., the contract labour (Regulation and Abolition Act) has made provisions therefore and for that purpose the proper Government shall form the State Board which shall deal with the question. The representative for the workman further argued that the award of the National Arbitrators is binding on the parties and it is a pious obligation of the parties to act according to the award of the National Arbitrators. And, therefore, I should also make the same award against the demands on these subject referred to me. I, therefore, give this interim award against

demand number 2 of reference number 23 of 1972. No contract labour shall be employed in the Industry for the work of cleaning and removing of raw material, cement and clinker in Mill houses, Dryer Kiln and other departments. Contract Labour shall be abolished in Industry except in loading (including packing) and unloading operations and if the employer employs contract labour such labour shall be made regular departmental employees under the employers and made eligible to the same wages, D.A. and bonus and other allowances as the other regular employees under the employers and such labour shall give corresponding work load. I also give my award further that all workers employed in the loading (including packing) and unloading occupations shall be given the same wages, D.A., bonus and other benefits as are given in the regular employees of the company. As regards demand number 1, this demand is also covered by the award given by National Arbitrators. The National Arbitrators have directed that the workers working in loading and unloading departments shall be provided with the same facilities as are enjoyed by the departmental labour. I, therefore give my award in respect of demand number 1 also that all those workers working on the job of loading and unloading shall be provided the same facilities as are enjoyed by the departmental labour working in the factory. Award on other disputes shall be given hereafter.

Dated the 13th June, 1979

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. Dated

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

LIST OF THE WORKMEN

Name	Designation of present	Correct Designation
1. Angnan	Mazdoor	Packer
2. Baldeva	Do	Do
3. Bhima	Do	Do
4. Daya Nand	Do	Do
5. Mahabir	Do	Wammerman
6. Mohinder, son of Banwari	Do	Packer
7. Mohan, son of Mangtu	Do	P P man
8. Om Parkash	Do	Packer
9. Phool Chand	Do	Do
10. Prakash, son of Baboo Ram	Do	Clerk
11. Phool Singh	Do	Fitter
12. Ram Kumar son of Nanda	Do	Do
13. Jaya Nand, son of Malla	Do	Granultor Helper
14. Ram Saran, son of Bal Mukand	Do	Watchman
15. Ram Rikh	Do	Bag Fitter Attendent
16. Sardare	Do	Watchman
17. Sant Lal	Do	Masor

Name	Designation of Present	Correct Designation
18. Sher Singh	.. Mazdoor	Wireman
19. Darya	.. Packer	Oilman
20. Banwari	.. Boiler F. man	P. K.G. Fitter
21. Arath Bihari	.. Land Attendant	Ditto
22. Chhaja Ram	.. Helper	Com. Driver

No. 11(112)-3Lab-79/7352.—In pursuance of the provision of section 17 of the Industrial Dispute Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the presiding Officer, Industrial Tribunal Faridabad in respect of the dispute between the workman and the management of M/s Colts Engineering industries Sector 4 Faridabad.

G.V. GUPTA,
Commissioner and Secretary to Government, Haryana,
Labour and Employment Department.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL
HARYANA FARIDABAD.

Reference No. 218 of 1976

Between

SHRI JAY RAM WORKMAN AND THE MANAGEMENT OF M/S COLTS ENGINEERING INDUSTRIES SECTOR-4, FARIDABAD

Present.—Shri P.K. De for the workman.

Shri H.R. Dua for the management.

AWARD

By order No. ID/FD/963-A-76/35873, dated 27th September, 1976 the Governor of Haryana referred the following dispute between the management of M/s. Colts Engineering Industries Sector-4, Faridabad and its workman Shri Jay Ram to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Jay Ram was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties following issues were framed on 1st February, 1977:—

1. Whether the workman raised the demand directly with the management?
2. If issue No. 1 is not proved, whether the reference is bad in law?
3. Whether the termination of services of the workman concerned was justified and in order? If not, to what relief is he entitled?
4. Whether the workman abandoned the services of the management of his own?

And the case was fixed for the evidence of the workman, On 28th August, 1977 the representative for the management made a statement that he did not press issue No. 1. As a result thereof issue No. 2 also became redundant. Decision on issues No. 1 and 2 was not necessary. Now issues No. 1 and 2 did not remain as issues between the parties. There after the case was fixed for the evidence of the management. The management examined one Shri Bhola Nath as W-1 who proved Ex. M-1 and state that the workman was appointed as a learner and he absented from 17th June, 1976 to 30th June, 1976. Thereafter his name was not carried over in the next month. In cross examination he stated that the workman was continuously absent from 16th June, 1976. He further deposed that his staff marks the attendance in the attendance register and he is the time keeper. He denied a suggestion that the workman obtained leave from 16th June, 1976 and the leave was sanctioned. He also deposed that the workman had worked from 1st October, 1975 to 15th June, 1976 but again said that the workman was appointed on 30th December, 1975. The management closed their case. The representative for the workman thereafter took four or five adjournments for adducing evidence of the workman but on the last date of hearing i.e. 1st March, 1979 neither the workman was present nor this evidence. I, therefore closed the case for the workman. Arguments were heard. I, now give my findings on the issues:—

Issue No. 1 was given up by the representative for the management as a result where of issue No. 2 became redundant. Then there remained issues number 3 & 4 for decision. I, therefore, decide first issue No. 4.

Issue No. 4.—This is a case wherein the management examined their witness and proved some documents and the workman neither produced evidence nor examined himself. Even the workman himself did not appear in the witness box. Ex. M-1 is an application from the workman for appointment. It is dated 30th December, 1975. In these circumstances, I have left with no other alternative then to rely on the evidence of the management. MW-1 stated that the workman absented from 17th June, 1976 continuously upto 30th June, 1976 and thereafter his name was not carried over on the muster rolls in the next month. The conduct of the workman also shows that he abandoned his job of his own. He even did not take interest in pursuing his dispute here before me, nor he appeared as his own witness. I, therefore, decide this issue in favour of the management.

Issue No. 3.—As issue No. 4 has been proved in favour of the management, issue No. 3 does not arise for decision. The management did not terminate the services of the workman, rather the workman abandoned his job of his own by remaining absent for 14 days continuously, whereafter his name was not carried over in the next month. As a result of my findings on the issues, I answer the reference and give my award that it was the workman who abandoned his job of his own by remaining absent continuously for more than 14 days and it was not the management who terminated the services of the workman. The workman is not entitled to any relief.

The 14th June, 1979.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 527, dated 22nd June, 1979

Forwarded (four copies) to the Secretary to Government Haryana, Labour & Employment Departments Chandigarh as required under section 15 of the Industrial Disputes Act.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 11(112)-3 Lab.-79/7353.—In pursuance of the provision of section 17 of the Industrial Dispute Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s J. K. Foundry Sector 24, Faridabad.

BEFORE SHRI NATHU RAM, SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 403 of 1978.

Between

SHRI GOPI CHAND, WORKMAN AND THE MANAGEMENT OF M/S. J. K. FOUNDRY, SECTOR 24, FARIDABAD

Present :—

Shri R. L. Sharma, for the workman.

Shri Rajeshwar Kumar, for the management.

AWARD

By order No. ID/FD/11/140-78/40139, dated 31st August, 1978 the Governor of Haryana referred the following dispute between the management of M/s. J. K. Foundry, Sector 24, Faridabad and its workman Shri Gopi Chand to this Tribunal, for adjudication in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

“Whether the termination of services of Shri Gopi Chand was justified and in order? If not, to what relief is he entitled?”

On receipt of the order of reference, notices were issued to the parties. The parties appeared. Once the management did not appear, hence *ex-parte* proceedings were ordered against him. Thereafter the management appeared and the workman did not appear. Then dismissal in default was ordered. Thereafter

both the parties appeared and pleaded and admitted a settlement, according to which the workman received a sum of Rs. 1,079.65 from the management in full and final settlement of all his dues and claims. The representative for the workman admitted the settlement and did not want to contest the case any further. In these circumstances, I give my award that there is no dispute between the parties as the workman has already received a sum of Rs. 1,079.65 from the management. He is not entitled to any relief.

Dated 19th June, 1979.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 544, dated 22nd June, 1979.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Department, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 11(112)-3 Lab-79/7354.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s Metal Cast Industries, Sector 24, Faridabad :—

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD
Reference No. 197 of 1978

between

SHRI RAM KUNWAR, WORKMAN AND THE MANAGEMENT OF M/S METAL CAST
INDUSTRIES, SECTOR 24, FARIDABAD.

Present :—

Shri P. K. De, for the workman.
Shri R. C. Sharma, for the management.

AWARD

By order No. FD/60-78/31065, dated 5th July, 1978, the Governor of Haryana referred the following dispute between the management of M/s Metal Cast Industries, Sector 24, Faridabad and its workman Shri Ram Kunwar, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Ram Kunwar was justified and in order ? If not, to what relief is he entitled ?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties the following issues were framed on 22nd May, 1979 :—

- (1) Whether the workman was temporary employee ? If so, to what effect ?
- (2) Whether the workman abandoned his job of his own ?
- (3) Whether the workman is gainfully employed ? If so, to what effect ?
- (4) Whether the termination of services of the workman was justified and in order ?

And the case was fixed for the evidence of the management. It was at this stage that a settlement was arrived at according to which the workman gave resignation and received all his dues. The resignation is Exhibit M-1 and the receipt witnessing payment of all his dues is Exhibit M-2, the workman has received a sum of Rs 94.85 in full and final settlement of all his dues, claims and dispute. The workman gave in writing that he wanted to go to his house, as he had very important work and therefore, he could not serve any longer.

In these circumstances, I give my award that there is no dispute between the parties. The workman has already received his dues and the termination of services of the workman was justified and in order. He is not entitled to any relief. It was a case of resignation by the workman and acceptance thereof by the management.

Dated 19th June, 1979.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 543, dated 22nd June, 1979.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 11(112)-3Lab-79/7365.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Suraj Lamp and Industries Pvt. Ltd., Industrial Area, Faridabad:—

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference Nos. 37 & 39 of 1979

between

SHRI TARKESHWAR PARSHAD AND SHRI BASU DEV WORKMEN AND THE MANAGEMENT
OF M/S. SURAJ LAMP AND INDUSTRIES PVT. LTD., INDUSTRIAL AREA, FARIDABAD.

Present.—Shri P.K. De, for the workman.

Shri R.C. Sharma, for the management.

AWARD

By orders No. 11/188-78/2406, dated 12th January, 1979 and 1/86-78/2418, dated 12th January, 1979, the Governor of Haryana referred the following dispute between the management of M/s. Suraj Lamp and Industries Pvt. Ltd. Industrial Area, Faridabad, and its workmen Shri Tarkeshwar Parshad and Shri Basu Dev, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Tarkeshwar Parshad and Shri Basu Dev was justified and in order? If not, to what relief are they entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and settled the dispute. Both the representatives for the parties admitted the settlement Ex. M-1, according to the settlement the workman has stated that he has received his full and final of his dues and has no dispute with the management. I, therefore, give my award that there is no dispute between the parties.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Dated 19th June, 1979.

No. 542, dated 22nd June, 1979

Forwarded (four copies) to the Secretary to Government, Haryana Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act,

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

G. V. GUPTA,
Commissioner and Secy.